REMARKS/ARGUMENTS

The applicant would like to acknowledge, with thanks, the Office Action that was mailed on May 23, 2006. This amendment and remarks contained herein are responsive to the Office Action mailed on May 23, 2006. Accordingly, claims 19, 28, 36 and 42 have been amended, claims 20, 30-35 and 44-48 have been canceled and claims 49-53 have been added.

Double Patenting Rejection

Claims 1-17 stand rejected on the ground of non-statutory obviousness type double patenting over claims 1-17 of U.S. Patent No. 6,732,163. Accordingly, claims 1-17 have been canceled without prejudice and disclaimer, therefore, withdrawal of this rejection is requested.

Prior Art Rejections

Claims 1-22, 27, 30-31, 36-41 and 44-47 stand rejected as being anticipated by U.S. Patent No. 6,208,629 to Jaszewski et al. (hereinafter Jaszewski). Claims 28-29 stand rejected as being anticipated by U.S. Patent No. 6,069,871 to Sharma et al. (hereinafter Sharma). Claims 23-26 and 32-33 stand rejected as being obvious in view of Jaszewski. Claims 34-35 and 42-43 stand rejected as being obvious in view of the combination of Jaszewski and Sharma.

Independent claims 19, 28, 36, 42 and 49, as currently amended either recite that a wireless base unit detects other base units within its range. Claims 19, 28 all the steps are performed at the wireless base unit. Claims 36 and 42 recite that the controller that performs selects the operating frequency at the access point is co-located with the transceiver. Claim 49 recites that each of the plurality of access points independently perform the steps. Thus, an aspect recited by all of these claims is that all of the steps are performed by the access point using data acquired by the access point. By contrast, as will be described in further detail herein both Jaszewski and Sharma use a centralized device (e.g. network manager is Jaszewski and either a base station controller or mobile switching center in Sharma) that uses data acquired by the access points (base units). The methods and systems recited in claims 19, 28, 36, 42 and 49 eliminate the need for the centralized device.